

106TH CONGRESS  
1ST SESSION

**S. 468**

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**AMENDMENT**

# ***In the House of Representatives, U. S.,***

*November 2, 1999.*

*Resolved*, That the bill from the Senate (S. 468) entitled “An Act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2       *This Act may be cited as the “Federal Financial As-*  
3 *istance Management Improvement Act of 1999”.*

4 ***SEC. 2. FINDINGS.***

5       *Congress finds that—*

6               *(1) there are over 600 different Federal financial*  
7 *assistance programs to implement domestic policy;*

8               *(2) while the assistance described in paragraph*

9               *(1) has been directed at critical problems, some Fed-*  
10 *eral administrative requirements may be duplicative,*

11 *burdensome or conflicting, thus impeding cost-effective*  
12 *delivery of services at the local level;*

1           (3) *the Nation’s State, local, and tribal govern-*  
2           *ments and private, nonprofit organizations are deal-*  
3           *ing with increasingly complex problems which require*  
4           *the delivery and coordination of many kinds of serv-*  
5           *ices; and*

6           (4) *streamlining and simplification of Federal*  
7           *financial assistance administrative procedures and*  
8           *reporting requirements will improve the delivery of*  
9           *services to the public.*

10 **SEC. 3. PURPOSES.**

11       *The purposes of this Act are to—*

12           (1) *improve the effectiveness and performance of*  
13           *Federal financial assistance programs;*

14           (2) *simplify Federal financial assistance appli-*  
15           *cation and reporting requirements;*

16           (3) *improve the delivery of services to the public;*  
17           *and*

18           (4) *facilitate greater coordination among those*  
19           *responsible for delivering such services.*

20 **SEC. 4. DEFINITIONS.**

21       *In this Act:*

22           (1) *DIRECTOR.—The term “Director” means the*  
23           *Director of the Office of Management and Budget.*

1           (2) *FEDERAL AGENCY*.—The term “Federal agen-  
 2           cy” means any agency as defined under section  
 3           551(1) of title 5, United States Code.

4           (3) *FEDERAL FINANCIAL ASSISTANCE*.—The term  
 5           “Federal financial assistance” has the same meaning  
 6           as defined in section 7501(a)(5) of title 31, United  
 7           States Code, under which Federal financial assistance  
 8           is provided, directly or indirectly, to a non-Federal  
 9           entity.

10          (4) *LOCAL GOVERNMENT*.—The term “local gov-  
 11          ernment” means a political subdivision of a State  
 12          that is a unit of general local government (as defined  
 13          under section 7501(a)(11) of title 31, United States  
 14          Code).

15          (5) *NON-FEDERAL ENTITY*.—The term “non-Fed-  
 16          eral entity” means a State, local government, or non-  
 17          profit organization.

18          (6) *NONPROFIT ORGANIZATION*.—The term “non-  
 19          profit organization” means any corporation, trust,  
 20          association, cooperative, or other organization that—

21                (A) is operated primarily for scientific, edu-  
 22                cational, service, charitable, or similar purposes  
 23                in the public interest;

24                (B) is not organized primarily for profit;  
 25                and

1                   (C) uses net proceeds to maintain, improve,  
2                   or expand the operations of the organization.

3                   (7) *STATE*.—The term “State” means any State  
4                   of the United States, the District of Columbia, the  
5                   Commonwealth of Puerto Rico, the Virgin Islands,  
6                   Guam, American Samoa, the Commonwealth of the  
7                   Northern Mariana Islands, and the Trust Territory of  
8                   the Pacific Islands, and any instrumentality thereof,  
9                   any multi-State, regional, or interstate entity which  
10                  has governmental functions, and any Indian Tribal  
11                  Government.

12                  (8) *TRIBAL GOVERNMENT*.—The term “tribal  
13                  government” means an Indian tribe, as that term is  
14                  defined in section 7501(a)(9) of title 31, United  
15                  States Code.

16                  (9) *UNIFORM ADMINISTRATIVE RULE*.—The term  
17                  “uniform administrative rule” means a Government-  
18                  wide uniform rule for any generally applicable re-  
19                  quirement established to achieve national policy objec-  
20                  tives that applies to multiple Federal financial assist-  
21                  ance programs across Federal agencies.

22 **SEC. 5. DUTIES OF FEDERAL AGENCIES.**

23                  (a) *IN GENERAL*.—Except as provided under sub-  
24                  section (b), not later than 18 months after the date of the

1 *enactment of this Act, each Federal agency shall develop*  
2 *and implement a plan that—*

3       (1) *streamlines and simplifies the application,*  
4 *administrative, and reporting procedures for Federal*  
5 *financial assistance programs administered by the*  
6 *agency;*

7       (2) *demonstrates active participation in the*  
8 *interagency process under section 6(a)(2);*

9       (3) *demonstrates appropriate agency use, or*  
10 *plans for use, of the common application and report-*  
11 *ing system developed under section 6(a)(1);*

12       (4) *designates a lead agency official for carrying*  
13 *out the responsibilities of the agency under this Act;*

14       (5) *allows applicants to electronically apply for,*  
15 *and report on the use of, funds from the Federal fi-*  
16 *nancial assistance program administered by the agen-*  
17 *cy;*

18       (6) *ensures recipients of Federal financial assist-*  
19 *ance provide timely, complete, and high quality infor-*  
20 *mation in response to Federal reporting requirements;*  
21 *and*

22       (7) *in cooperation with recipients of Federal fi-*  
23 *nancial assistance, establishes specific annual goals*  
24 *and objectives to further the purposes of this Act and*  
25 *measure annual performance in achieving those goals*

1        *and objectives, which may be done as part of the*  
2        *agency's annual planning responsibilities under the*  
3        *Government Performance and Results Act of 1993*  
4        *(Public Law 103–62; 107 Stat. 285).*

5        *(b) EXTENSION.—If a Federal agency is unable to*  
6        *comply with subsection (a), the Director may extend for up*  
7        *to 12 months the period for the agency to develop and im-*  
8        *plement a plan in accordance with subsection (a).*

9        *(c) COMMENT AND CONSULTATION ON AGENCY*  
10       *PLANS.—*

11            *(1) COMMENT.—Each agency shall publish the*  
12            *plan developed under subsection (a) in the Federal*  
13            *Register and shall receive public comment of the plan*  
14            *through the Federal Register and other means (in-*  
15            *cluding electronic means). To the maximum extent*  
16            *practicable, each Federal agency shall hold public fo-*  
17            *runs on the plan.*

18            *(2) CONSULTATION.—The lead official designated*  
19            *under subsection (a)(4) shall consult with representa-*  
20            *tives of non-Federal entities during development and*  
21            *implementation of the plan. Consultation with rep-*  
22            *resentatives of State, local, and tribal governments*  
23            *shall be in accordance with section 204 of the Un-*  
24            *funded Mandates Reform Act of 1995 (2 U.S.C.*  
25            *1534).*

1       (d) *SUBMISSION OF PLAN.*—Each Federal agency shall  
 2       submit the plan developed under subsection (a) to the Direc-  
 3       tor and Congress and report annually thereafter on the im-  
 4       plementation of the plan and performance of the agency in  
 5       meeting the goals and objectives specified under subsection  
 6       (a)(7). Such report may be included as part of any of the  
 7       general management reports required under law.

8       **SEC. 6. DUTIES OF THE DIRECTOR.**

9       (a) *IN GENERAL.*—The Director, in consultation with  
 10       agency heads and representatives of non-Federal entities,  
 11       shall direct, coordinate, and assist Federal agencies in  
 12       establishing—

13               (1) a common application and reporting system,  
 14       including—

15                       (A) a common application or set of common  
 16                       applications, wherein a non-Federal entity can  
 17                       apply for Federal financial assistance from mul-  
 18                       tiple Federal financial assistance programs that  
 19                       serve similar purposes and are administered by  
 20                       different Federal agencies;

21                       (B) a common system, including electronic  
 22                       processes, wherein a non-Federal entity can  
 23                       apply for, manage, and report on the use of  
 24                       funding from multiple Federal financial assist-  
 25                       ance programs that serve similar purposes and



1           *are administered by different Federal agencies;*  
 2           *and*

3           *(C) uniform administrative rules for Fed-*  
 4           *eral financial assistance programs across dif-*  
 5           *ferent Federal agencies; and*

6           *(2) an interagency process for addressing—*

7           *(A) ways to streamline and simplify Fed-*  
 8           *eral financial assistance administrative proce-*  
 9           *dures and reporting requirements for non-Fed-*  
 10          *eral entities;*

11          *(B) improved interagency and intergovern-*  
 12          *mental coordination of information collection*  
 13          *and sharing of data pertaining to Federal finan-*  
 14          *cial assistance programs, including appropriate*  
 15          *information sharing consistent with section 552a*  
 16          *of title 5, United States Code; and*

17          *(C) improvements in the timeliness, com-*  
 18          *pleteness, and quality of information received by*  
 19          *Federal agencies from recipients of Federal fi-*  
 20          *nancial assistance.*

21          *(b) LEAD AGENCY AND WORKING GROUPS.—The Di-*  
 22          *rector may designate a lead agency to assist the Director*  
 23          *in carrying out the responsibilities under this section. The*  
 24          *Director may use interagency working groups to assist in*  
 25          *carrying out such responsibilities.*

1       (c) *REVIEW OF PLANS AND REPORTS.*—Upon the re-  
 2       quest of the Director, agencies shall submit to the Director,  
 3       for the Director’s review, information and other reporting  
 4       regarding agency implementation of this Act.

5       (d) *EXEMPTIONS.*—The Director may exempt any Fed-  
 6       eral agency or Federal financial assistance program from  
 7       the requirements of this Act if the Director determines that  
 8       the Federal agency does not have a significant number of  
 9       Federal financial assistance programs. The Director shall  
 10      maintain a list of exempted agencies which shall be avail-  
 11      able to the public through the Office of Management and  
 12      Budget’s Internet site.

13      (e) *REPORT ON RECOMMENDED CHANGES IN LAW.*—  
 14      Not later than 18 months after the date of the enactment  
 15      of this Act, the Director shall submit to Congress a report  
 16      containing recommendations for changes in law to improve  
 17      the effectiveness, performance, and coordination of Federal  
 18      financial assistance programs.

19      (f) *DEADLINE.*—All actions required under this section  
 20      shall be carried out not later than 18 months after the date  
 21      of the enactment of this Act.

22      **SEC. 7. EVALUATION.**

23      (a) *IN GENERAL.*—The General Accounting Office  
 24      shall evaluate the effectiveness of this Act. Not later than  
 25      6 years after the date of the enactment of this Act, the eval-

1 uation shall be submitted to the lead agency, the Director,  
 2 and Congress. The evaluation shall be performed with input  
 3 from State, local, and tribal governments, and nonprofit or-  
 4 ganizations.

5 (b) CONTENTS.—The evaluation under subsection (a)  
 6 shall—

7 (1) assess the effectiveness of this Act in meeting  
 8 the purposes of this Act and make specific rec-  
 9 ommendations to further the implementation of this  
 10 Act;

11 (2) evaluate actual performance of each agency  
 12 in achieving the goals and objectives stated in agency  
 13 plans; and

14 (3) assess the level of coordination among the Di-  
 15 rector, Federal agencies, State, local, and tribal gov-  
 16 ernments, and nonprofit organizations in imple-  
 17 menting this Act.

18 **SEC. 8. COLLECTION OF INFORMATION.**

19 Nothing in this Act shall be construed to prevent the  
 20 Director or any Federal agency from gathering, or to ex-  
 21 empt any recipient of Federal financial assistance from  
 22 providing, information that is required for review of the  
 23 financial integrity or quality of services of an activity as-  
 24 sisted by a Federal financial assistance program.

1 **SEC. 9. JUDICIAL REVIEW.**

2       *There shall be no judicial review of compliance or non-*  
3 *compliance with any of the provisions of this Act. No provi-*  
4 *sion of this Act shall be construed to create any right or*  
5 *benefit, substantive or procedural, enforceable by any ad-*  
6 *ministrative or judicial action.*

7 **SEC. 10. STATUTORY REQUIREMENTS.**

8       *Nothing in this Act shall be construed as a means to*  
9 *deviate from the statutory requirements relating to applica-*  
10 *ble Federal financial assistance programs.*

11 **SEC. 11. EFFECTIVE DATE AND SUNSET.**

12       *This Act shall take effect on the date of the enactment*  
13 *of this Act and shall cease to be effective 8 years after such*  
14 *date of enactment.*

Attest:

*Clerk.*